

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAFAEL MAGANA,

Defendant.

8:15CR64

ORDER

Defendant Rafael Magana appeared before the court on July 25, 2018 on a Second Petition for Offender Under Supervision [134]. The defendant was represented by Assistant Federal Public Defender Kelly M. Steenbock, and the United States was represented by Assistant U.S. Attorney Martin J. Conboy, IV. Through his counsel, the defendant waived his right to a probable cause hearing on the Second Petition for Offender Under Supervision [134] pursuant to Fed. R. Crim. P. 32.1(b)(1).

The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on August 29, 2018 at 2:00 p.m. The defendant must be present in person.

2. The defendant, Rafael Magana, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 26th day of July, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge